

REMARKS

In response to the Office Action mailed September 24, 2001, the Applicant respectfully requests that the Examiner consider the following remarks. Claims 1-13 and 21-27 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the remarks.

Rejection of Claims 21-27 Under 35 U.S.C. § 112

The Applicant submits that the rejection has been obviated by the amendment made on September 6, 2001.

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Malucelli et al. In the amendment filed on September 6, 2001, the Applicant showed that Malucelli et al. does not teach or suggest extruding a composite material through a die without a pelletizing step to form a final shape. Therefore, the Applicant respectfully submits that this rejection of claims 21-27 under 35 U.S.C. § 103(a) has been obviated.

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Motegi et al. The Applicant respectfully traverses the rejection. The Applicant has selected the ingredients of the composite to achieve the optimal physical and aesthetic characteristics of the composite for a desired cost. Also, the Applicant has eliminated a pelletizing step to improve the cost and efficiency of the manufacturing process. The Applicant respectfully submits that adding an appreciable amount of glyoxal and changing the amounts of the existing ingredients has a significant impact

on the composite's characteristics and cost. Furthermore, the pelletizing step taught by Motegi et al. requires additional storage space for the pellets and additional manufacturing equipment, time, and cost. Moreover, as previously submitted by the Applicant, Motegi et al. provides no teaching or motivation for the substantial changes suggested by the Examiner. Therefore, the Applicant respectfully submits that Motegi et al. cannot support the rejection of claims 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being obvious over Bistak et al. The Applicant respectfully traverses the rejection. The Applicant has selected the ingredients of the composite to achieve the optimal physical and aesthetic characteristics of the composite for a desired cost. The Applicant respectfully submits that adding an appreciable amount of rubber particles and changing the amounts of the existing ingredients has a significant impact on the composite's characteristics (i.e., the rubber particles are added to provide rubbery characteristics) and cost. The Applicant respectfully submits that Bistak et al. provides no teaching or motivation for the substantial changes suggested by the Examiner. Therefore, the Applicant respectfully submits that Bistak et al. cannot support a rejection of claims 21-27 under 35 U.S.C. §103.

Rejection of Claims 1-13 and 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 and 21-27 under 35 U.S.C. § 103(a) as being obvious over Woodhams. The Applicant respectfully traverses the rejection. Woodhams does not teach or suggest the present invention.

With regard to claims 1-13, Woodhams does not teach or suggest the use of process aids, e.g., acrylic modifiers. Furthermore, the Applicant maintains that Woodhams does not teach or suggest the combination (including the various ranges) of ingredients in the specific PVC material of the present invention that enables the manufacture of products exhibiting desired appearance, strength, durability, and flexibility. The Applicant respectfully submits that changing the amounts of the ingredients as suggested by the Examiner has a significant impact on the composite's characteristics and cost, and Woodhams does not provide any teaching or suggestion for those changes.

With regard to claims 21-27, the Applicant maintains that Woodhams fails to teach or suggest a method which employs the amount of lubricant in the polypropylene material of claims 21-27. The Applicant respectfully submits that the amount of wax identified in Example 1 of the patent is well outside of the range of the present invention. One of ordinary skill in the art is not motivated by the disclosure of Woodhams to significantly alter that amount. The Applicant has selected the ingredients of the composite to achieve the optimal physical and aesthetic characteristics of the composite for a desired cost, and changing the amounts of the ingredients as suggested by the Examiner would have a significant impact on the composite's characteristics and cost.

Therefore, the Applicant respectfully submits that Woodhams cannot support the rejection of claims 1-13 and 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 1-13 and 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 and 21-27 under 35 U.S.C. § 103(a) as being obvious over Brandt. The Applicant respectfully traverses the rejection. Brandt does not teach or suggest the present invention.

With regard to claims 1-13, the ranges of the cellulosic filler and the PVC material disclosed by Brandt are outside of the ranges of the present invention. The disclosure in column 1, lines 42-50, of Brandt teaches a composition having more cellulosic filler and less thermoplastic material than the present invention. There is no suggestion provided by Brandt to modify those amounts as suggested by the Examiner to arrive at the present invention. In particular, the Applicant has discovered the optimal amounts of the present invention to achieve a composite that exhibits the desired physical and aesthetic characteristics of the composite while improving processing characteristics and efficiency. On the other hand, with regard to claims 21-27, Brandt does not teach or suggest any particular polypropylene compositions, and Brandt does not teach or suggest that polypropylene can be substituted in the particular compositions for PVC or HDPE. Therefore, the Applicant respectfully submits that Brandt cannot support the rejection of claims 1-13 and 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 1-13 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13 under 35 U.S.C. § 103(a) as being obvious over Fujita et al. The Applicant respectfully traverses the rejection. Fujita et al. does not teach or suggest the present invention. In particular, Fujita et al. fails to teach or suggest the ranges of the ingredients in the PVC material of the present invention. The Applicant respectfully submits that any modification to the ingredients of a composition

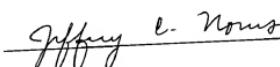
may significantly alter the characteristics of the composition as well as require substantial changes to the processing conditions in order to obtain a suitable product. Changes such as those suggested by the Examiner are not a routine matter. The Applicant has specifically selected the amounts of the ingredients of the present invention to enable the manufacture of products exhibiting desired strength, durability, appearance, and weatherability. Therefore, the Applicant respectfully submits that Fujita et al. cannot support the rejection of claims 1-13 under 35 U.S.C. § 103(a).

CONCLUSION

The Applicant has distinguished claims 1-13 and 21-27 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: 12/6/01



Jeffrey C. Norris
Registration No. 42,039
Standley & Gilcrest LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Fax: (614) 792-5536